

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

NEW BELVEDERE PARTNERS LLC,

Plaintiff,

v.

HABITAS GROUP LTD.,

Defendant.

Civil Action No. 1:23-cv-10584

Hon. Katherine Polk Failla, U.S.D.J.

Hon. Gary Stein, U.S.M.J.

DEFAULT JUDGMENT

WHEREAS this matter came before the Court on Plaintiff New Belvedere Partners LLC's ("Plaintiff") application for entry of a default judgment against Defendant Habitas Group Ltd. ("Defendant") under Fed. R. Civ. P. 55(b) and L.R. 55.2; and

WHEREAS, Plaintiff filed its application for entry of default judgment establishing \$11,539,733.00 in total damages, comprised of Plaintiffs' principal amount of damages, attorneys' fees pursuant to the contract, filing fees, and process service costs (*see* Dkt. #22); and

WHEREAS, based on the limitation of liability provision in the contract, Plaintiff seeks entry of default judgment in the amount of **\$3,000,000.00**; and

WHEREAS, Defendant has not filed any answer or otherwise moved with respect to Plaintiff's Amended Complaint in this action; and

WHEREAS, Defendant has not filed any opposition to Plaintiff's application for default judgment; and

WHEREAS, the Court held a hearing for Plaintiff's application on **May 9, 2024**, and Defendant failed to appear, despite having acknowledged notice of the hearing on **April 8, 2024**. (*See* Dkt. #25 ¶ 3).

THEREFORE, IT IS ADJUDGED AND ORDERED that Plaintiff's application for entry of default judgment is GRANTED pursuant to Fed. R. Civ. P. 55(b); and it is

FURTHER ORDERED that the Court declares that Defendant is in default of its obligations to pay pursuant to its contract with Plaintiff; and it is

FURTHER ORDERED that Defendant shall pay **\$3,000,000.00** in damages; and it is

FURTHER ORDERED that Defendant shall pay post-judgment interest pursuant to the rate set forth at 28 U.S.C. § 1961; and it is

FURTHER ORDERED that this Court retains jurisdiction over any matter pertaining to this judgment; and it is

FURTHER ORDERED that this case is dismissed, and the Clerk of the Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case.

This is a final appealable order. *See* Fed. R. App. P. 4(a).

Dated: May 9, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

Hon. Katherine Polk Failla
United States District Judge